



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/717,733

11/20/2003

Takayasu Ishida

P/1909-166

8714

2352

7590

07/17/2006

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

SINGH, RAMNANDAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,733

Applicant(s)

ISHIDA, TAKAYASU

Examiner

Ramnandan Singh

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,6,8 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>(i) Nov. 20, 2003; (ii) Feb. 06, 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

PRELIMINARY AMENDMENT

1. The preliminary amendment filed on Nov. 20, 2003 is approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizuta et al [US 20030064758 A1].

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Mizuta et al teach a mobile (i.e. portable) terminal, which is a foldable type mobile communication terminal in which an upper cabinet (200) and a lower cabinet (100) are connected with each other by a hinge [Para: 0099], as shown in Fig. 4A, comprising:

a magnet (204a) that is disposed in the upper cabinet (200) [Fig. 6] and changes the position in the upper cabinet corresponding to the change of the posture of the mobile terminal [Figs. 9A-9D];

two magnetic force detecting means (i.e. magnetic sensors 111a and 111b) that are disposed at designated different positions in the lower cabinet (100), and detect the magnetic force, which changes corresponding to the change of the position of the magnet, from the magnet [Fig. 6]; and

a controlling means (i.e. control unit 109) that judges the posture of the mobile terminal based on the detected magnetic force by the two magnetic force detecting means[Fig. 6; Para: 0094-0095].

Claim 7 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 3, Mizuta et al further teach the mobile terminal, wherein: the controlling means changes the displaying direction of letters and signs and images to be displayed on a displaying means that is disposed on the outer surface of the upper cabinet, corresponding to the judged result of the posture of the mobile terminal [Figs.

Art Unit: 2614

11A, 11B; Para: 0063; 0095; 0120-0126; 0141].

Claim 9 is essentially similar to claim 3 and is rejected for the reasons stated above.

Regarding claim 4, Mizuta et al further teach the mobile terminal, wherein: the magnet and the two magnetic force detecting means (i.e. open/close detector 113) are also used for detecting the opening or closing state of the upper cabinet [Fig. 6; Para: 0105; 0121; 0123; ;0125; 0131].

Claim 10 is essentially similar to claim 4 and is rejected for the reasons stated above.

Allowable Subject Matter

4. Claims 2, 13-14, 5-6, 8, 15-16 and 11-12 are indicated allowable.

5. The following is an examiner's statement of reasons for allowance:

Claim 2 identifies the uniquely distinct feature of a mobile terminal, which is a foldable type mobile communication terminal in which an upper cabinet and a lower cabinet are connected with each other by a hinge, comprising: a magnet that is disposed in a magnet disposing region having a hexahedron structure, whose surfaces are nearly parallel to the surfaces of the upper cabinet, in the upper cabinet, and

Art Unit: 2614

changes the position corresponding to the change of the posture of the mobile terminal by sliding diagonally in the hexahedron structure; two magnetic force detecting means that are disposed at designated different positions in the lower cabinet, and detect the magnetic force, which changes corresponding to the change of the position of the magnet, from the magnet that slid in the diagonal direction in the hexahedron structure; and a controlling means that judges the posture of the mobile terminal based on the detected magnetic force by the two magnetic force detecting means. As such, claim 2

requires a magnet disposing region having a hexahedron structure and changing a position corresponding to the change of posture of the mobile terminal by sliding diagonally in the hexahedron structure. No prior art teaches the limitations in the context of the claims. Therefore, claim 2 is indicated allowable.

Claims 5, 8 and 11 are essentially similar to claim 2, and hence they are also indicated allowable.

Claims 13-14 being dependent from claim 2, claim 6 being dependent from claim 5, claims 15-16 being dependent from claim 8, and claim 12 being dependent from claim 11 are also indicated allowable.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to be 'Rns', with a long horizontal stroke extending to the right.